

00198377

17-2596-01

B: 622 P: 763 Fee \$29.00
Connie Hansen, Millard Recorder
N002/24/2017 08:48:25 AM By FIRST AMERICAN TITLE INSUR
Page 1 of 5

SHARED WELL AGREEMENT

2 PARTY SHARED WELL AGREEMENT

Address: 10314 West 17400 South
Cove Fort, Utah 84713 53

Legal description

Assessors property parcel #

- 1. Parcel 1:(8656-A-22-2) See legal description on exhibit A.
- 2. Parcel 2:(8656-A-22) See legal description on exhibit A.
- 3. Parcel 3:(PartOf8656-A-8-1) See legal description on exhibit A.

4. (Well owner) Peter C. + Lynell VanderMeide parcel # 8656-A-10-1
SW 1/4 of the SE 1/4 of section 26,
T25 S, R7W SLB + M

- 5. Additional parcel numbers: see attachments & exhibit A

2 party shared well agreement 55

Scott Schofield & [redacted] Parcel 1:(8656-A-22-2), Parcel 2:(8656-A-22), Parcel 3:(PartOf8656-A-8-1), adjacent well user.

Peter C. + Lynell VanderMeide #8656-A-10-1 and attached easements in SE 1/4 of
(Owner name and parcel #, name of subdivision, and lot containing the well) Sec. 26
See map

TWO PARTY WATER SYSTEM WATER USERS AGREEMENT OWNERSHIP OF THE WELL AND WATERWORKS

It is agreed by the parties that each of said parties shall be and is hereby granted the use of the well on parcel 8656-A-10-1 and the associated water systems. Each party shall be entitled to receive a supply of water for the minimum of one residential dwelling, and shall be furnished reasonable supply of potable and healthful water for domestic and agricultural purposes, and ten head cattle. The following parcels have the right of usage of this water source:

- Parcel 1:(8656-A-22-2) See legal description on exhibit A.
- Parcel 2:(8656-A-22) See legal description on exhibit A.
- Parcel 3:(PartOf8656-A-8-1) See legal description on exhibit A.
- Property owner: Scott Schofield & [redacted] 55.
- Well owners parcel # 8656-A-10-1

Legal description:

SW 1/4 of the SE 1/4 of Section 26, T25 S, R7W SLB + M

Property owner(s): Peter C. VanderMeide & Lynell VanderMeide

2 PARTY SHARED WELL AGREEMENT

55

An easement for the use and purpose of conveying water from the well to the property of, Scott Schofield [redacted] Parcel 1:(8656-A-22-2), Parcel 2:(8656-A-22), Parcel 3:(PartOf8656-A-8-1), 10314 West 17400 South, Cove Fort, Utah 84713.

No new permanent type of building shall be allowed to be constructed upon water line easement, except as needed for the operation of the well and water systems.

MAINTENANCE AND REPAIR OF PIPELINES

All pipelines in the water system shall be maintained so that will be no leakage or seepage, or other defects which may cause contamination of the water, or injury or damage to the persons or property. Access for the purpose of maintenance and upkeep of all water systems, pumps etcetera, will be granted equally to all parties. Amount agreed upon for usage is fifty cents per one thousand gallons of water used. Water pipelines shall be installed within ten feet of septic tank or sewage disposal drain field lines.

Expense of maintenance to be shared by all parties as to amount of usage by each party. Usage by electric meter and bills. Also usage to be determined by water meters and repairs costs. By mutual agreement of all parties. Arbitration to be used if disputes.

55
P.C.V.

5/1 * MULTIPLE party PCV

PROHIBITED PRACTICES

The parties herein, their heirs, successors, and/or their assigns, will not construct any potential source of contamination, maintain or suffer to be constructed or maintained upon the said land within one hundred feet of the well herein described, so long as the same is operated to furnish water for two party domestic use. Any potential source of contamination may include but is not limited to; septic tanks and drain fields, sewer lines, underground storage tanks, feed stations and/or barns shall meet required setbacks and not harbor any source of potential contamination. The parties will not cross connect any portion or segment of the water system with any other water source or waste disposal outlet without prior written approval of the Millard County Health District and/or other appropriate governmental agency.

PROVISIONS FOR CONTINUATION OF WATER SERVICE

The parties agree to maintain a continuous flow of water from the well and water system. In the event that the quality or quantity of water from the well becomes unsatisfactory, the parties shall develop a new source of water.

TERMINATION OF THIS AGREEMENT

This agreement may not be revoked without each property obtaining a sufficient acceptable potable water source and prior consent of both property owners.

HEIRS, SUCCESSORS, AND ASSIGNS

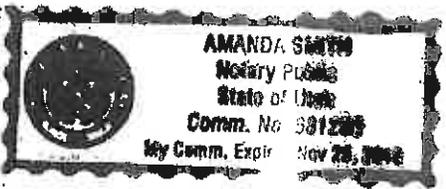
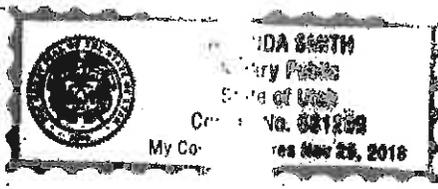
These covenants and agreements shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in this land described herein or any part hereof and it shall pass to and be for the benefit of each owner thereof.

SIGNED: [Signature] 2/14/2017

Owner(s)
Print Name: Scott Schofield

SIGNED: Peter C. Vander Meide 2/14/2017
Lynell Vander Meide 2/14/2017
Owner(s) of property with the well
Print Name: Pete C. Vander Meide & Lynell Vander Meide

State of Utah
County of Millard



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Amanda Smith 2/14/2017
Amanda Smith
exp 11/28/2016

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EXHIBIT "A"

PARCEL 1: (8656-A-22-2)

Commencing 132 feet West of the Northeast corner of the West half of the Northeast quarter of the Southeast quarter said point being North 89°59'49" West 792.14 feet along the quarter section line from the East quarter corner of Section 26, Township 25 South, Range 7 West, Salt Lake Base and Meridian, and running thence South 00°23'01" West 330 feet; thence North 89°59'49" West 132 feet thence North 00°23'01" East 330 feet to the North line of the West half of the Northeast quarter of the Southeast quarter; thence South 89°59'49" East 132 feet along the quarter section line to the point of beginning.

PARCEL 2: (8656-A-22)

The West half of the Northeast quarter of the Southeast quarter of Section 26, Township 25 South, Range 7 West, Salt Lake Base and Meridian.

LESS:

Commencing at the Northeast corner of the West half of the Northeast quarter of the Southeast quarter, said point being North 89°59'49" West 660.14 feet along the quarter section line from the East quarter corner of said Section 26, thence South 0°23'01" West 330 feet along the quarter section line; thence North 89°59'49" West 264 feet; thence North 0°23'01" East 330 feet to the North line of the West half of the Northeast quarter of the Southeast quarter; thence South 89°59'49" East 264 feet along the quarter section line to the point of beginning.

PARCEL 3: (Part of 8656-A-8-1)

Beginning at a point South 89°56'22" West along the sixteenth section line a distance of 658.61 feet from the Northeast corner of the Southeast quarter of the Southeast quarter of Section 26, Township 25 South, Range 7 West, Salt Lake Base and Meridian; thence South 89°56'22" West, continuing along the sixteenth section line a distance of 329.30 feet; thence South 00°21'17" West a distance of 133.00 feet; thence North 89°58'22" East a distance of 329.23 feet, thence North 00°23'19" East a distance of 133.00 feet to the point of beginning.

Together with a non-exclusive easement for road and utility purposes over and across the South 30 feet of the East 924 feet of the Northeast quarter and the East 30 feet of that portion of the Northeast quarter of Section 26, Township 25 South, Range 7 West, Salt Lake Base and Meridian, lying South of the State Road Right of Way.

Together with a non-exclusive easement for road and utility purposes over and across the West 36 feet of that portion of the Northwest quarter of Section 25, Township 25 South, Range 7 West, Salt Lake Base and Meridian, lying South of the State Road Right of Way.

Together with a non-exclusive easement for road and utility purposes over and across the North 30 feet of the West 30 feet of the West half of the Northwest quarter of the Southwest quarter of Section 25, Township 25 South, Range 7 West, Salt Lake Base and Meridian.

Together with a non-exclusive easement for road and utility purposes over and across the North 36 feet of the East half of the Northeast quarter of the Southeast quarter of Section 26, Township 25 South, Range 7 West, Salt Lake Base and Meridian.

Together with a non-exclusive easement for road and utility purposes over and across the North 36 feet of the East 132 feet of the West half of the Northeast quarter of the Southeast quarter of Section 26, Township 25 South, Range 7 West, Salt Lake Base and Meridian.

Together with a non-exclusive easement 15 feet in width for the purpose of ingress and egress and the construction and maintenance of an existing well and water lines, and a future well and water lines. Said easement shall run along the following described centerline; Beginning 7.5 feet North of the Southeast corner of the East half of the Northwest quarter of the Southeast quarter of Section 26, Township 25 South, Range 7 West, Salt Lake Base and Meridian; thence West 630 feet; thence South 425 feet to an existing well and continuing thence South 100 feet, more or less, to the site of a future well.

10314 west

17400 south

CODE FT 84/7/13

00182472

B: 555 P: 329 Fee \$23.69
Connie Hansen, Millard Recorder Page 3 of 3
08/31/2012 01:28:55 PM By SECURITY ESCROW AND TITLE



15.5 AC

20 AC

42151
8650-A-5

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N 0°14'E

30 FT RW

B-K RANCH
COVE FORT LLC
B 461 P 258
69 AC

COVE FORT RANCH LLC
B 278 P 426

168477
8650-A-2-1
PETER C
VANDER MEIDE
B 346 P 323 1A

58.14 AC

1018
8650-A-3
B 346 P 323 1A

176462
8650-A-24

149284
8650-A-21

149282
8650-A-22

42182
8650-A-10



I-15

40.26 CH

PETER C
VANDER MEIDE
B 492 P 487
13.26 AC +/-

VICTOR E THOMSEN
JANE I THOMSEN (TRUSTEES)
B 522 P 25
20 AC

FEDERAL HOME LOAN
MORTGAGE CORP
B 548 P 481
20 AC

PETER C VANDER MEIDE
LYNELL VANDER MEIDE (JT)
B 476 P 518
22 AC

154112
8650-A-10-1

42185
8650-A-8

182568
8650-A-8-1-1

42050
8650-A-10
SOBBUSTERS LLC
B 475 P 515
4.1 AC

WILLARD B
POMERS
B 116 P 798
B 307 P 48
5 AC

185494
8650-A-10-1-1

LOT 1

PETER C VANDER MEIDE 1/2 INT
B 496 P 310
GERALD W HACKWELL 1/2 INT
B 503 P 390
28.55 AC +/-

BROOK
KNOTTS
B 510 P 724
4.9 AC +/-

ALLEN CAREY
B 474 P 522
29.7 AC

79.62 CHS

N 0°34'E

1045
8-A
104
8-A-19
AC +/-
48594
58-A-20

19.0 AC +/-

#42151
8656-A-5

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B-K RANCH
COVE FORT LLC
B 481 P 250
60 AC

TRAVIS J KESLER
SARA P KESLER (JT)
B 594 P 722

#186477
8656-A-22-1
PETER D
VANDER MEIDE
B 345 P 323
1 Ac.

58.14 AC

#171950
8656-A-5-3
CORP PRES BISHP
CHURCH OF LDS
B 371 P 144
0.67 Ac

#178462
8656-A-24
13.28 AC +/-

#149394
8656-A-21

#149402
8656-A-22

#187926
8656-A-23-3
SHAUN HODGES
TEARA HODGES (JT)
B 562 P 174
1.0 AC

DAVID KAPLAN
HOWARD KAPLAN (JT)
B 695 P 109
13.28 AC +/-

VALENE A JUDD (TRSTEE)
B 617 P 447
2.0 AC

SHAUN HODGES
TEARA HODGES (JT)
B 655 P 327
1.0 AC

PETER C VANDER MEIDE
LYNELL VANDER MEIDE (JT)
B 475 P 518
2.2 AC

#42080
8656-A-10
SODBUSTERS LLC
B 476 P 516
4.1 AC

#184112
8656-A-10-1

#42185
8656-A-8

#182566
8656-A-8-1-1

WILLARD B
POWERS
B 116 P 798
B 307 P 48
5 AC

#185494
8656-A-10-1-1

PETER C VANDER MEIDE 1/2INT
B 496 P 310
GERALD W HACKWELL 1/2INT
B 503 P 390
28.56 AC +/-

BROOK
KNOTTS
B 510 P 724
4.9 AC +/-

ALLEN CAREY
B 474 P 522

2500 Gallons
Tank
26.7 AC

S 89°25'18"E

2627.57 FT

N 01°02'68"W

2656.32 FT

N 01°09'57"E

Supply Lines

I-15

culinary well
irrigation well

25-25
26-25S-07W

Application for Public Service Commission Regulation or Exemption for Water and Wastewater Companies

Enclosed is an application designed by the Division of Public Utilities (DPU) intended to assist an applicant in determining if a water system qualifies as a public utility and is subject to regulation by the Utah Public Service Commission (PSC) and in providing the appropriate information to the PSC.

In the regulation of water companies, the PSC can issue one of two different designations. The first is a Certificate of Public Convenience and Necessity (CPCN). This is required for any public utility providing service to the public generally. A company with this designation would be regulated by the Public Service Commission. The second designation is a Letter of Exemption (LOE). This is provided to non-profit companies serving its members only such as a Home Owners Association (HOA) and mutually owned water companies. Companies that meet the criteria for this category are exempt from PSC regulation and are considered to be self-governing through their Boards of Directors.

Below is a list of governing rules that will help provide guidance in filing an application with the Public Service Commission. This list is not a complete list of rules that a company may need when applying for a CPCN or LOE.

Utah Code: 54-2-1 < Use Ctrl+Click to follow link >

Definitions (19) (a). The PSC has jurisdiction to regulate all public utilities, including "... water corporations [and] sewerage corporations ... where the service is performed for, or the commodity delivered to, the public generally..."

Utah Code: 54-4-25 < Use Ctrl+Click to follow link >

Certificate of convenience and necessity prerequisite to construction and operation.

Utah Code: 54-4a-6 < Use Ctrl+Click to follow link >

Objectives of Commission

Utah Administrative Rule: R746-330 < Use Ctrl+Click to follow link >

Rules for Water and Sewer Utilities Operating in Utah.

Utah Administrative Rule: R746-332 < Use Ctrl+Click to follow link >

Depreciation Rates for Water Utilities.

Utah Administrative Rule: R746-401 < Use Ctrl+Click to follow link >

Reporting of Construction, Purchase, Acquisition, Sale, Transfer or Disposition of Assets.

Utah Administrative Rule: R746-405 < Use Ctrl+Click to follow link >

Filing of Tariffs (Including Format and Construction requirements.)

Legal name of applicant (company name): _____



Questionnaire

Please fill out the following questionnaire to assist you in determining if you are subject to PSC regulation. *(Please check only one for each question.)*

Q1. Is this company providing water to anyone other than the owner (2 houses or more)?:

Yes

If **"Yes"** then please provide the information requested in **Section A**, and continue to **Question Q2**.

No

If **"No"**: then this company or water distribution system is not subject to PSC regulation. You are not required to register with the PSC as this time. If you circumstances change you may be required to register with the PSC at a later time.

Q2. Is the company a non-profit serving its members only such as a HOA and mutually owned water companies?

Yes

If **"Yes"** then this company appears to meet the criteria to be exempt from PSC regulation and is considered to be self-governing through their Boards of Directors. Please continue to **Section C** and fill out the **"Application."**

No

If **"No"** then this company meets the criteria requiring it to be regulated by the PSC. In addition to providing the information in **Section A**, Please also provide the information requested in **Section B**, and then continue to **Section C** and fill out the **"Application."**

Legal name of applicant (company name): _____



Items to be included with this application for ALL applicants, both regulated and exempt.

The following documentation **MUST** be provided with this application to be considered complete. Incomplete applications will **NOT** be considered.

- A copy of your Business License verifying proof of authority to conduct business in Utah.
- Verification of the review and approval of the water system by the Division of Drinking Water.
- Certified copy of the articles of incorporation and by-laws. (Whatever restrictions there are in use of water on an annual basis should be explained in by-laws, restrictive covenants and protective covenants.)
- Proof of ownership of water rights, in the name of the company sufficient to provide the water promised to each customer. (Water rights must be held by the water company for the use of the shareholders or customers of the company. Water rights must stay with the water company in the event a lot is sold rather than with the lot owner.)
- Proof of ownership of sufficient water storage.
- Proof of ownership of an approved water source with sufficient water flow.
- A balance sheet for the water company.
- An historical operating statement if the water company is already operating, a projected statement if not yet operating.
- All phases of a proposed development should be identified in the application whether they are to be developed immediately or not. Otherwise an additional application may be required for each additional phase before the Public Service commission will give plan approval.
- Maps (8 1/2" by 11") showing location of water system relative to nearby towns and highways and the proposed platted subdivision.

The above list covers the items of interest to the Division of Public Utilities. The list does not necessarily include all items the Public Service Commission and the Division of Public Utilities need to review in the application procedure. Additional items may be requested as the Division and Commission become more familiar the applicants particular circumstances.

Legal name of applicant (company name): _____

Section
B

Additional items to be included with this application for applicants applying for authority to operate as a regulated public utility.

The following documentation **MUST** be provided with this application to be considered complete. Incomplete applications will **NOT** be considered.

- 1** **A Proposed TARIFF** NOT USED / moved
Proposed tariff should include proposed rates and service rules and regulations. Applicant's tariff must comply with the format, construction and elements as set forth in Utah Administrative Rule : R746-405 < Use Ctrl+Click to follow link >
- 2** **Rates**
For item 2, please select one of the following regarding rates and provide the information requested.
- Proposed rates will cover the entire cost of service.**
Please provide calculations to show that the proposed rates are reasonable based upon actual cost of service.
- OR**
- Developer agrees to subsidize costs.**
A statement that the proposed rates are less than the full cost of service but that the developer will subsidize such rates until the system has enough customers on line to operate and cover costs at the proposed rates.
- 3** **A balance sheet for the developer.**
If the water company is to be, or was, constructed by a developer please provide a personal balance sheet for the developer to ensure that funds are available for the operations of the water company.

The above list covers the items of interest to the Division of Public Utilities. The list does not necessarily include all items the Public Service Commission and the Division of Public Utilities need to review in the application procedure. Additional items may be requested as the Division and Commission become more familiar the applicants particular circumstances.



Application

The following information **MUST** be provided with this application to be considered complete. Incomplete applications will **NOT** be considered.

1. Legal name of applicant (company name): Peter C. Vander Meide

2. Principal office address, phone number and email address:

Address: Hc 74 Box 6020

Address: 10280 W. 17400 So.

City: Cove Fort (Beaver) State: UT ZIP: 84713

Phone No. (435) 691-3090 Email address: Petrvand@yahoo.com

3. Name of the state in which applicant is incorporated and date of incorporation

Name of State: _____ Date of Incorporation: _____

(A certified copy of the Articles of Incorporation and By-laws should accompany this application).

If not incorporated, describe the type of organization and state in which it is organized.

4. The officers and directors (or partners) of applicant are as follows:

Name	Title	Phone #	Email
<u>Peter C. Vander Meide</u>	<u>owner</u>	<u>435 691-3090</u>	
<u>Lynell Vander Meide</u>	<u>owner</u>	<u>435 310-0428</u>	

5. The type of service (water, sewer or both) which applicant proposes to render is:
(Please check the services that apply.)

Water Only Sewer Only Both Water and Sewer

6. If the applicant is conducting operations at the present time, please enter the date applicant commenced rendering such service: 17 YEARS

7. How Many Connections will the company serve and type (residential / commercial)?

Residential Customers: 2

Commercial Customers: 1

Total Number of Customers: 2

8. The names of any water companies that are providing (or proposing to provide) similar service near or in any part of the area covered by this applicant are as follows:

Section

D

Applicant Must Sign and Date below:

I certify that to the best of my knowledge the above information is true, accurate and complete. I am in compliance with and agree to comply with all regulations and requirements of all State and local government agencies.

Legal name of applicant (company name): _____



_____ Date: _____

Your Name: _____ Title: _____

(Please enter electronically or print clearly)

This Application covers the items of interest to the Division of Public Utilities. The list does not necessarily include all items the Public Service Commission and the Division of Public Utilities need to review in the application procedure. Additional items may be requested as the Division and Commission become more familiar the applicants particular circumstances.

If you have any questions regarding the information the Division is requesting, please feel free to contact us at (800) 874-0904 or (801) 530-7622.

Please mail **six (6)** completed copies of the application and one electronic copy (**compact disc**) and necessary paperwork to:

**Public Service Commission
Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84114**

(A \$100.00 filing fee must accompany this application. If applying for an EXEMPTION the \$100 fee is waived.)

Please Note:

A complete application includes all pages of the application (you may omit the first page that contains the laws and rules), all requested documentation and an original signature on the signature page.

Electronic copies should include all files in their native formats. For example, all spreadsheets should be in their original EXCEL format and documents should be in their original WORD format. Files formatted as Adobe PDF are acceptable to use for documents that must be copied or scanned from an original source.

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